

At A Regular Town Board Meeting
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 7th day of June, 2004

Roll Call: Wayne C. Booth, Supervisor
George A. Woolsey, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James E. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

Absent: Derek N. Benedict, Councilman

1. **Pledge of Allegiance to the Flag led by Town Clerk, Andrew Zarutskie**
2. **Moment of Silence. Mr. Zarutskie asked especially to remember former President Ronald Reagan, who died this weekend.**
3. **Additional Items for the Agenda**
 11. **Personnel**
 - a. **Recreation: Life Guards**
 - b. **Building & Grounds: Custodial Worker**
4. **Public Comments on Agenda Items**

None at this time.

5. **Crossroads Reserve Fund: Resolution Authorizing of Payment of \$563,909.00**

Mark Taylor, Attorney for the Town, explained this item. As part of the settlement agreement with the City of Newburgh, the Town is required to make a payment. One component of that payment is reimbursement to the City of Newburgh's share of the cost of the secondary clarifier that was installed at the City's sewage treatment plant. The secondary clarifier is a necessary component of the plant expansion that the Town is going to undertake, in order to treat 2 million gallons of additional sewage per day that will be generated by the Town. The Capital Reserve Fund was established for the purpose of financing Capital Improvements of the Crossroads Sewer District including the plant expansion. The source of funds that are deposited in this Reserve Fund are from outside user fees paid by developers so Capital Projects like this can be done with no undue burden to taxpayers. This Resolution authorizes payment in the sum of \$563,909.00 and this Resolution is subject to Permissive Referendum. Following the adoption of this Resolution a notice will be published in the Town's official newspapers. If no petitions are submitted after thirty days then the Resolution takes effect.

MOTION was made by Councilman Piaquadio to approve the Resolution as presented subject to permissive referendum, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

6. **Water Supply: Award of Bid for Sludge Removal**

This is a request from Jim Corbett, Water Supply Superintendent, to award the bid for Sludge Removal to Spectraserv, Inc. from South Kearney, New Jersey, in the amount of \$.094 per gallon. Spectraserv, Inc. is our current contractor and they have provided excellent service. We did receive three bids: Spectraserv, Inc. at \$.094 per gallon, All County at \$.0975 per gallon, and Russell Reid at \$.1147 per gallon.

MOTION was made by Councilman Woolsey to award the bid to Spectraserv, Inc., from South Kearney, New Jersey at a cost of \$.094 per gallon, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

7. Settlement of Tax Certiorari: New Penn Motors

A memo from Michael Fogarty, Sole Assessor, has been received indicating his approval of the certiorari settlement for New Penn Motors Express. The amount of the settlement is \$4,392.00 for the years 2001 for \$1314.00, 2002 for \$1469.25, and 2003 for \$1608.75. Their assessment was reduced to \$225,000.00 for 2001, 2002 and 2003.

MOTION was made by Councilman Piaquadio to approve the settlement to New Penn Motors in the amount of \$4,392.00, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

8. Performance Security: Dynegy Carbon Burn Out Facility

This is a request from Dynegy to release their security of \$95,000.00 for a burn out facility that is no longer required by the Federal Government. They have surrendered their Site Plan approval and all Town related permits and approvals for the canceled burn out facility. Councilman Woolsey asked that if Dynegy owes the Town any money that is to be deducted from the \$95,000.00.

MOTION was made by Councilman Woolsey to approve the release of Dynegy's Performance Security of \$95,000.00, with the stipulation that if any money is owed to the Town to be deducted first, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

9. Highway Department: Seasonal Employees

a. Welder - This doesn't need to be discussed or voted on because this gentleman is considered part-time not seasonal.

b. Laborers

This is a request from Darrell Benedict, Highway Superintendent, to approve two seasonal people. The two people are Mark Hall, Sr. and Brian Leghorn. The starting rate is \$9.00 per hour to commence on 6/10/04 and to end on or about 9/30/04. There is no physical required since they are classified as seasonal. They have been approved by the Personnel Department.

MOTION was made by Councilman Woolsey to approve Mark Hall, Sr. and Brian Leghorn as seasonal employees to commence on 6/10/04 and to end on or about 9/30/04 and at a rate of \$9.00 per hour, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

10. Sewer Hardship Waiver: 116 North Dix Ave.

This is a request from Jim Osborne, Town Engineer, to approve this sewer waiver for Anthony Szczygiel, the home owner of 116 North Dix Ave. Mr. Szczygiel resides in Buffalo and rents this home to Dagmar Tomer. Inspections have been done by the sewer department and they are in agreement that the septic is failing.

MOTION was made by Councilman Piaquadio to approve the sewer waiver for 116 North Dix Ave., due to a failing septic, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

11. Personnel**a. Recreation: Hiring Lifeguards**

This is a request from Gary MacEntee, Recreation Director, to hire two lifeguards: Lauren Rausenberger, Lead Lifeguard at \$10.00 per hour and Kenneth Justin Coombs as a lifeguard at \$8.00 per hour. The requested start date is 6/24/04 if background checks are acceptable by Personnel.

MOTION was made by Councilman Manley to approve the hire of two lifeguards, Lauren Rausenberger as Lead Lifeguard at \$10.00 per hour and Kenneth Justin Coombs as a Lifeguard at \$8.00 per hour with a start date of June 24, 2004 pending

Personnel approval, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

b. Building & Grounds: Hiring Custodial Worker

This is a request from Les Cornell, Building & Grounds Supervisor, to hire a Custodial Worker, James Travis, at a rate of \$10.00 per hour to start on June 17, 2004. This position is in the 2004 Budget. His background check has been approved by the Personnel Department but is pending Town Board approval for his physical. MOTION was made by Councilman Manley to hire James Travis at a rate of \$10.00 per hour and to commence on June 17, 2004 providing he completes his pre-employment physical, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

12. Announcements and Presentations

a. Town Clerk's Office will be open Saturday, June 19, 2004 from 9:00 a.m. until 12:00 Noon.

b. County Legislator Anthony Marino will be conducting open office hours at Town Hall on Saturday, June 19, 2004 from 9:00 A.M. until 12:00 P.M.

c. Supervisor Booth announced that Relay for Life will be held at Cronomer Park on Friday June 11, 2004 from 5:00 P.M. until Saturday June 12, 2004 with a breakfast for participants. The Orange County Choppers will be flying in at 7:15 P.M. to do the drawing for the Chopper, which will be televised on the Discovery Channel.

13. Public Comments

Charles Frey / 590 S. Plank Road

Mr. Frey read the following statement into the record. He wanted to let everyone know that the Route 52 racing season is officially open. It opened with a bang with a horrendous accident right on his corner of Rock Cut Road and Route 52. Police cars and ambulances and all kinds of goings on. It is officially open now for anyone interested in having exhaust tuned or detuned or having the exhaust on their motorcycles having the straight pipes put on. Its time to run the Route 52 season. It as been three years since we moved into our new home on Route 52 and in that short time we have seen and heard a great increase in the noise level and speeding. Especially on the weekends it is to a point that the quality of life is negatively affected. This noise is being deliberately created by a number of automobiles and motorcycles that have been deliberately modified to create this amount of noise. It's a statement they are making. Mr. Frey knows very well that this level of noise is totally unnecessary from these vehicles. It is deliberately done to create the maximum possible noise. They can be run very efficiently and probably unfortunately just as fast with much less noise. He feels the speed laws are being ignored and the noise control ordinances, all seven pages, are not being enforced. This is more and more a threat to our quality of life and our property values. He fears the day he is trying to sell his house, when a few of these people come by and his windows are open. There goes about twenty five percent of the profit. It is time that some concrete measures are taken to alleviate this situation. It is becoming more and more disagreeable and dangerous. There are speed laws and noise abatement laws that no one seems to be willing to enforce. This year's racing season got off to a great roaring start about six weeks ago with that terribly serious accident. Do we have to wait until someone is maimed or killed before something is done? He has yet to see on any evening or weekend Town Police or State Police looking to try to keep order as far as speed. Nothing is being done. He doesn't know if this affects your particular area. It is just unimaginable in what is suppose to be a concerned civilized society that absolutely nothing is being done about this deliberate floundering {sic} of any kind of social consideration.

Supervisor Booth explained that we have tried to make several attempts with the Speed. This Town Board petitioned the State and had the speed limit lowered to 45 mph. As far as enforcement, unfortunately we are never going to have enough officers at any one place to eliminate this problem. Mr. Frey explained how he personally got a ticket doing 42 mph in a 30 mph zone on Powder Mill Road when he first moved in this area. There is intermittently a police car parked on Powder Mill Road in the Park driveway. When you see people's brakes going on in front of you, it won't take many tickets to keep the 30 mph speed enforced. Mr. Frey offered his driveway for the Police to use to enforce the speed on Route 52 and Rock Cut Road. Supervisor Booth said he will speak to the Chief and try to get more officers in that area. This Board, in our Comprehensive Plan, is looking into the traffic situation in the Town. We are taking a proactive approach to the traffic in our Town.

Councilman Woolsey said that unfortunately our State Engineers did not see fit to reduce the speed at the Town line. We have about a mile outside the 45 mph speed, from the Town line to the Orange Lake flats. It's very difficult for officers to nail anyone going over the 45 mph when it turns into 55 mph. Councilman Woolsey knows exactly what Mr. Frey is talking about because he hears and sees it. The only thing we can do is keep pushing for enforcement. Every meeting we have we bring up different spots that we are having trouble with in the Town and we talk to Chief Kehoe all the time about this problem. Supervisor Booth said he will talk to the Chief about your area.

Mr. Frey was told to mail a copy of this concern to Mr. Anthony Marino, County Legislator, also.

Ron Hughes / Pampas Lane

Asked as a member of the Recreation Advisory Board, if the Town Board would consider the NFA Crew Team to be allowed to practice out at Chadwick Lake. They would like to leave a perch for one or two units so when the weather is bad they can still practice off the river. Councilman Woolsey asked what happened to them practicing at Orange Lake. Mr. Hughes said between the Homeowners Association and the club at the end of the lake, access to the lake wasn't possible.

Supervisor Booth asked Mr. Hughes to have letters sent to the both the Recreation Advisory Board and the Town Board requesting this. Councilman Woolsey said we need to take a good look at this because he doesn't want to set precedence.

Supervisor Booth asked Mr. Hughes to have the letters sent and they will be able to discuss this at a work session. Jim Osborne, Town Engineer, asked if the boats were going to be left at the lake because we have the concern of evasive organisms that we need to worry about because this is our reservoir. Mr. Osborne said any boat left at the lake needs to be steam cleaned at the Filter Plant before they can be put into the water. Mr. Hughes said if they have to, they can be left there.

Mr. Hughes wanted to know if the Town has resumed the sale of water. The water is going over the dam and this would be a good time to get some revenue to the Town. Supervisor Booth said no they haven't resumed the sale of water.

Did the Board look into the fee schedule for the Assessor's Office? Real Estate people come in and take so much time from the office personnel to look up parcels for sale or recently sold parcels. The realtors make a lot of money on these sales and it shouldn't be a burden on the Town taxpayers. Supervisor Booth said the Michael Fogarty, Sole Assessor, has brought him an initial analysis. We would like to bring Mike in and discuss this at a work session.

Mr. Hughes wanted to let the Board know that he was at a meeting with the Greenway Commission, the Orange County Commission and the waterfront developers, Mr. Perez from Hillside Homes has about two thousand feet along the Hudson River for the possible development of a Greenway Walkway. They will be meeting again and Mr. Hughes will bring back to the Board a report on the second meeting.

Ellenjane Gonyea / 26 Linden Dr.

In January, she introduced six items from the Homeowners Association, which was carried over from last year, she would like to reintroduce two of them tonight. What is the status of the traffic light that was requested for Arbor Drive and Colden Hill Road? Supervisor Booth said the last they spoke to the State DOT, they indicated they were going to do their own study on that area. We gave them our warrant study. Mrs. Gonyea wanted to know if that was after the meeting Assemblyman Tom Kirwan had here? Supervisor Booth said it was before that. Mr. Gonyea explained that Mr. Kirwan said money was located. The light in front of the elementary school did not draw from the funds set aside for that light and that money may be available for the Arbor Drive light. Supervisor Booth said that was the understanding they received from Senator Larkin's office that the funds set aside for the East Coldenham School light were not utilized and the DOT had picked up the tab. He has not heard anything further on this matter. Mrs. Gonyea said you have not had any dialog with the DOT since the April meeting with Mr. Kirwan. Nothing has been done, no dialog between the Town, the Assembly people or the DOT. Supervisor Booth said he has had none. Mrs. Gonyea wanted to know if there is any intent on Supervisor Booth's part to set up a meeting to bring this forward. Supervisor Booth asked Jim Osborne, Town Engineer, what is our next step. Jim said we could get in touch with Randy Harwood, DOT representative, to see what the status of our request is, since we did give him a list. Mrs. Gonyea wanted to know why it isn't routine to know the status of requests are? She said that they were told to wait until June to be considered in the State budget and it is June. You tell me there has been no discussion between the Town, the Assembly and the DOT. Supervisor Booth said we have made our discussion with the DOT and now it is up to the State representatives.

The next item or question: Is it true that the that the FAA approval that was given for the Sunrise Corp. / WGNV tower project that was originally discussed, has lapsed? If that is the case what is the status of movement for the destruction of that tower? Mark Taylor, Attorney for the Town, explained that there was an inquiry with respect to whether or not the FAA approval is still in effect. Mark believes there is correspondence to the effect that it is no longer in effect or has expired. That correspondence was received and provided to the Planning Board. If there is an approval by the Planning Board on the local level it will condition its approval on a valid FAA permit being in effect.

Mrs. Gonyea then asked if the Planning Board gives their final approval, if indeed a current FAA approval is in effect. Mark Taylor said that would be a condition of approval. Mrs. Gonyea wanted to know when the inquiry was made. Mark said in believes the fall of last year. Councilman Woolsey said he believes that Sunrise is slated to come back to the Planning Board at the next meeting. Mark said he believes they are on the agenda. Councilman Woolsey thought everything had to be in place before they could get approval. Supervisor Booth said yes they do.

Cassius Price / 7 Alex Drive

Is the Town of Newburgh looking into building more schools? Mr. Zarutskie said that would have to be taken up with the Board of Education. As far as Mr. Zarutskie knows there are no plans at this time.

Adjournment

MOTION was made by Councilman Piaquadio to adjourn the Town Board Meeting of June 7, 2004 at 8:08 P.M., seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 absent.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk